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House Committee on State Government and Tribal Affairs

July 12, 2010 (10:47 AM)

1 AN ACT Relating to authorizing pilot projects using the best value
2 contracting procedure; and adding a new section to chapter 39.10 RCW.

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4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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8 NEW SECTION. Sec. 1. A new section is added to chapter 39.10 RCW
9 to read as follows: (1) The project review committee may authorize
10 twenty pilot projects using best value contracting. For purposes of
11 this section, *"best value contracting" means a public works project*
12 *that is awarded based on price, qualifications, and value added to the*
13 *overall project.* In order for a public body to be authorized to use
14 best value, it must have completed either a general contractor
15 construction manager or a design build project in the previous five
16 years. The project review committee may authorize a public body to
17 use best value when all of the following criteria are met:

1 (a) The project involves construction with a high risk of cost
2 or operational impacts, or requires a contractor highly skilled with
3 the installation of a specific system;

4 (b) Implementation of the project requires a high level of
5 contractor management skills in a specialized area during
6 construction; and

7 (c) The project has a high potential to benefit from the value
8 added by specialized construction management.

9 No public body may be authorized more than three pilot projects
10 using best value.

11 (2) If a public body is authorized a best value pilot project,
12 it must:

13 (a) Publish a notice of its intent to utilize the best value
14 process to evaluate bidders in a legal newspaper published in or as
15 near as possible to that part of the county where the public work
16 will be constructed at least fourteen (14) calendar days before
17 conducting a public hearing. The public hearing notice must include
18 the date, time, and location of the hearing and the specific
19 criteria and applicable weights given to each criterion that will be
20 used to evaluate the proposals.

21 (b) Conduct a public hearing and provide an opportunity for any
22 interested party to submit written and verbal comments regarding the
23 evaluation criteria and weights for each criterion.

24 (c) After the public hearing, consider and respond to written
25 and verbal comments received and determine the final criteria and
26 weights given to each criterion.

27 (3) Contracts using best value must be awarded through a
28 competitive process using public solicitation of proposals. The
29 public body must publish at least once in a legal newspaper of
30 general circulation published in, or as near as possible to that
31 part of the county in which the public work will be constructed, a
32 notice of its request for proposals and the availability and
33 location of the proposal documents. The proposal documents must
34 include:

1 (a) Design drawings and specifications;
2 (b) A description of the qualifications, experience, and
3 previous performance required of the proposer;
4 (c) A description of the factors, other than modifications to
5 the *basis of design (?)*, that may be considered by the public body
6 that add value to the project; and
7 (d) A description of the process the public body will use to
8 evaluate the proposals and finalists' proposals, including
9 evaluation factors and the relative weight of factors and *any*
10 *specific forms to be used by the proposers (evaluation forms?)*.
11 (3) The public body must establish an evaluation committee to
12 evaluate proposals. Evaluations are based on the criterion and
13 process identified in the bid documents. Based on the evaluation
14 committee's findings, the public body will select the firm offering
15 the best price and value added.
16 (4) A public body utilizing the best value contracting procedure
17 shall submit project information as required by the capital projects
18 advisory review board. Contract documents must include requirements
19 that the contractor, subcontractors, and designers also submit
20 project information as required by the board.

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